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### **Remarks/Arguments**

Applicants respectfully request favorable reconsideration of the subject application, particularly in view of the above amendment and the following remarks. Applicants respectfully urge that there is no additional fee for this amendment as the number of independent claims and the total number of claims has been reduced.

Claims 1-16 are currently pending in the subject application, of which Claims 1-8 have been withdrawn from further consideration in response to the restriction requirement set forth in Paper No. 7. Accordingly, Applicants have canceled Claims 1-8 from the subject application as being drawn to a non-elected species of the claimed invention.

Applicants also have amended Claim 9 of the subject application by incorporating a further limitation, namely disposition of an adjustable airflow surface within the cooking chamber of the claimed oven and an actuator suitable for adjusting the adjustable airflow control surface operably connected to the adjustable airflow surface. Applicants respectfully urge that this amendment is fully supported, for example, by pending Claim 16 of the subject application in which reference is made to the adjustable airflow surface and at page 8, lines 12-21 of the specification. Applicants have also amended Claim 13 to provide that switching the inducer valve between an open and closed position switches the convection oven from a direct-fired

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oven in which the combustion products produced by the gas combustion system are diverted into the cooking chamber to an indirect-fired convection oven in which the combustion products are diverted outside of the convection oven. This amendment is fully supported at page 11, lines 2-12 of the specification of the subject application. Accordingly, Applicants respectfully urge that this amendment is fully supported by the subject application as originally filed and, thus, incorporates no impermissible new subject matter into the application.

The invention claimed by Applicants is a convection oven comprising a cooking chamber, a blower plenum in communication with the cooking chamber, an adjustable airflow control surface disposed within the cooking chamber, an actuator suitable for adjusting the adjustable airflow control surface operably connected to the adjustable airflow control surface, and at least one reversible blower wheel mounted within the blower plenum. In accordance with one particularly preferred embodiment, there are two reversible blower wheels disposed within the blower plenum. By virtue of this arrangement, numerous airflow patterns can be established within the cooking chamber so as to enhance the cooking operation.

Also claimed by Applicants is a method for creating multiple airflow patterns within a cooking chamber during a cooking cycle comprising the steps of creating a first airflow pattern within the cooking chamber, actuating an adjustable

airflow control surface to create a second airflow pattern within the cooking chamber and switching between the first airflow pattern and the second airflow pattern during a baking cycle. For the reasons set forth herein below, Applicants respectfully urge that the prior art relied upon by the Examiner as the basis for rejection of the subject application neither teaches nor suggests the convection oven or the method of the invention claimed by Applicants.

Claims 9, 10 and 16 have been rejected under 35 U.S.C. 102(b) as being anticipated by Wheeler, U.S. Patent 2,214,630 (hereinafter "the Wheeler patent"). This rejection is respectfully traversed. The Wheeler patent teaches an electric convection oven formed by a plurality of outer walls and a baffle disposed within the cooking oven spaced apart from the outer walls and forming a space therebetween. Disposed within the space is at least one propeller or air circulator operatively associated with a reversible motor. Applicants respectfully urge, however, that *the Wheeler patent neither teaches nor suggests the presence of an adjustable airflow surface disposed within the cooking chamber of the oven as required by Applicants' claimed invention.* Accordingly, Applicants respectfully urge that, absent an adjustable airflow surface disposed within the cooking chamber, the Wheeler patent does not anticipate the invention in the manner required by 35 U.S.C. 102(b).

Claims 9, 10, 12 and 16 have been rejected under 35 U.S.C. 102(b) as

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being anticipated by Meisser et al., U.S. Patent 5,569,402 (hereinafter “the Meisser et al. patent”). This rejection is respectfully traversed. The Meisser et al. patent teaches an apparatus for heat treating at least one cuboidal magazine for lead frames, which are parallel to a horizontal longitudinal direction of the magazine and are fitted with electronic chips, in at least one box which has a housing with a charging opening which is defined by end edges and can be closed by a door, and in which box at least one fan is arranged for subjecting the lead frames in the magazine to a hot gas. The Meisser et al. patent is relied upon by the Examiner as teaching an oven comprising two reversible blowers disposed within a plenum. Applicants respectfully urge, however, that the Meisser et al. patent neither teaches nor suggests the presence of an adjustable airflow surface and suitable actuator as required by the invention claimed by Applicants. Accordingly, Applicants respectfully urge that the Meisser et al. patent does not anticipate the invention claimed by Applicants in the manner required by 35 U.S.C. 102(b).

Claim 11 has been rejected under 35 U.S.C. 103(a) as being unpatentable over the Meisser et al. patent in view of Cook, U.S. Patent 3,659,352 (hereinafter “the Cook ‘352 patent”). This rejection is respectfully traversed. Applicants’ arguments with respect to the Meisser et al. patent are equally applicable to this rejection and, thus, will not be repeated. The Cook ‘352 patent teaches a

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reversible, heated air circulation system that includes a reversible, power-operated air mover located proximate a heater on a platform above the drying chamber of a dryer. The Cook '352 patent is relied upon by the Examiner as teaching a fan or blower which employs a reversible, variable speed motor, based upon which the Examiner argues that it would be obvious to a person having ordinary skill in the art to regulate both the speed and direction of the blowers to control the transfer of heat from the heater elements to the air flow. Notwithstanding, because neither the Meisser et al. patent nor the Cook '352 patent teach or suggest disposition of an adjustable airflow surface within the cooking chamber of a convection oven, Applicants respectfully urge that the combination of the teachings of the Meisser et al. patent and the Cook '352 patent would not result in the convection oven of the invention claimed by Applicants. Accordingly, Applicants respectfully urge that the Meisser et al. patent and the Cook '352 patent, alone or in combination, do not render Applicants' claimed invention obvious in the manner required by 35 U.S.C. 103(a).

Claim 13 has been rejected under 35 U.S.C. 103(a) as being unpatentable over UK Patent Application GB 2 215 177 A (hereinafter "the UK patent application") in view of Cook, U.S. Patent Re. 28226 (hereinafter "the Cook '226 patent"). This rejection is respectfully traversed. The UK patent application teaches a gas convection oven having an insulated oven cavity, which includes a reversible,

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circulating fan surrounded by a heater coil, one end of which is provided with a suction fan exhausting outside the oven cavity. A burner drawing air from outside the oven cavity is disposed at the other end of the heater coil. The suction fan draws the combustion products from the burner through the heater coil and heat is transferred from the heater coil to the air entering the oven cavity by virtue of the circulating fan. The Examiner suggests that all of the elements of the invention claimed by Applicants are taught by the UK patent application with the exception of a moveable valve in the inducer. Applicants respectfully disagree.

The Examiner identifies element 15 of the UK patent application as a reversible blower. However, the UK patent application, at page 4, lines 7-8 identifies element 15 as a solenoid valve. The Examiner identifies element 5 of the UK patent application as a blower header. However, the UK patent application, at page 3, lines 6-9, identifies element 5 as a suction fan. Applicants respectfully urge that no blower header is, in fact, taught or suggested by the UK patent application since there is but a single heater coil 4 with an outlet in fluid communication with a suction fan and a *header is an apparatus which collects fluid from multiple fluid outlets and enables free communication between the multiple outlets.*

The Examiner acknowledges that the UK patent application does not disclose a moveable valve in an inducer as claimed by Applicants, but rather relies

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upon the Cook '226 patent for this teaching. The Cook '226 patent is a reissue of the previously discussed Cook '352 patent and, as such, teaches a reversible, heated air circulation system that includes a reversible, power-operated air mover located proximate a heater on a platform above the drying chamber of a dryer. The air mover, in the form of fan 24, is disposed between two heating coils 25, which heating coils carry steam or hot water (Col. 3, lines 4-6). Thus, contrary to the convection oven of the invention claimed by Applicants in which the cooking chamber is directly fired by admission of the combustion products into the cooking chamber, the drying chamber of the Cook '352 and Cook '226 patents is indirectly fired and *no means are provided whereby the drying chamber could be directly fired, nor is there an inducer having a moveable valve whereby the combustion products from a combustion system are switchable between flowing into the drying chamber (direct-fired) and being exhausted to the atmosphere (indirect-fired) as required by the invention claimed by Applicants.* The Examiner has indicated that, based upon the teachings of the UK patent application and the Cook '226 patent, it would be obvious to one of ordinary skill in the art to modify the alleged inducer (15, 5) of the UK patent application to include a valve in view of the teaching of the Cook '226 patent for the purpose of controlling gases exiting the oven space. Applicants note, however, that *the inducer of the invention claimed by Applicants is not employed for the purpose of controlling*

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*the exiting of gases from the oven space* as indicated by the Examiner. Rather, *the inducer is employed for the purpose of controlling the flow of combustion products generated by the combustion system so as to render the claimed convection as direct-fired or indirect-fired.* No such possibility exists in the apparatus resulting from the combination of the teachings of the UK patent application and the Cook '226 patent. Accordingly, Applicants respectfully urge that the UK patent application and the Cook '226 patent, alone or in combination, do not render Applicants' claimed invention obvious in the manner required by 35 U.S.C. 103(a).

Claim 14 has been rejected under 35 U.S.C. 103(a) as being unpatentable over the UK patent application in view of the Cook '226 patent as applied to Claim 13, and further in view of the Wheeler patent previously discussed. This rejection is respectfully traversed. Applicants arguments with respect to each of the UK patent application, the Cook '226 patent and the Wheeler patent as set forth herein above are equally applicable to this rejection and, thus, will not be repeated. The Wheeler patent is relied upon by the Examiner as teaching a baking oven with two reversible blowers mounted in a blower plenum for creating multiple flow patterns during a baking cycle. As a result, the Examiner argues that it would be obvious to one of ordinary skill in the art to modify the apparatus of the UK patent application to include two reversible blowers in view of the teachings of the Wheeler



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patent. Applicants respectfully disagree.

*As previously stated, the Wheeler patent does not teach or suggest disposition of an adjustable airflow surface in the cooking chamber as required by Applicants' invention, nor does the combination of the teachings of the Wheeler patent, the UK patent application and the Cook '226 patent teach or suggest a convection oven having the means for switching between a direct-fired oven and an indirect-fired oven as claimed by Applicants.* Accordingly, Applicants respectfully urge that the UK patent application, the Cook '226 patent and the Wheeler patent, alone or in combination, do not render Applicants' claimed invention obvious in the manner required by 35 U.S.C. 103(a).

Claim 15 has been rejected under 35 U.S.C. 103(a) as being unpatentable over the UK patent application in view of the Cook '226 patent as applied to Claim 13, and further in view of Murray, U.S. Patent 2,617,203. This rejection is respectfully traversed. Applicants' arguments with respect to the UK patent application and the Cook '226 patent as set forth herein above are equally applicable to this rejection and, thus, will not be repeated. The Murray patent, which teaches a clothes dryer, is relied upon by the Examiner as teaching the use of a plurality of heat exchange tubes (63) wherein each tube is provided with internal baffles (64) as a heat source. Applicants respectfully urge that *the Murray patent*

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*neither teaches nor suggests such an arrangement* as stated by the Examiner. Rather, the Murray patent teaches *a heat exchanger E* comprising a rectangular shell 63 provided with *a plurality of longitudinal tubes 64* through which the air is blown by fan 22, the hot gaseous products of combustion from burner 62 passing upwardly through the central portion of the shell 63, around and between the tubes 64 disposed between baffles 65, the hot gasses then passing around and down outside baffles 65, around and between the remaining tubes 64 (Col. 6, lines 7-16). Applicants respectfully urge that the Murray patent neither teaches nor suggests the disposition of baffles *within the heat exchange tubes*, as required by Applicants' claimed invention. Accordingly, Applicants respectfully urge that, lacking such a teaching, the combination of the teachings of the UK patent application, the Cook '226 patent and the Murray patent would not result in the invention claimed by Applicants and, thus, does not render Applicants' claimed invention obvious in the manner required by 35 U.S.C. 103(a).

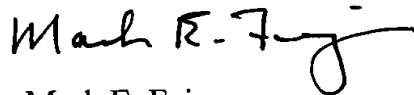
### **Conclusion**

Applicants intend to be fully responsive to the outstanding Office Action. If the Examiner detects any issue which the Examiner believes Applicants have not addressed in this response, Applicants urge the Examiner to contact the undersigned.

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Applicants sincerely believe that this patent application is now in condition for allowance and, thus, respectfully request early allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark E. Fejer". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

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